

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TREVOR EDGEHILL, #487273,

Petitioner,

Case No: 06-CV-13888-DT
Honorable Lawrence P. Zatkoff

v.

NICK J. LUDWICK,

Respondent.

_____ /

ORDER DENYING CERTIFICATE OF APPEALABILITY

This matter is before the Court on Remand from the Court of Appeals for the Sixth Circuit for a determination “whether to grant or deny a certificate of appealability” On December 28, 2007, the Court dismissed Petitioner’s petition for a writ of habeas corpus finding that Petitioner’s claim lacked legal merit and was based on erroneous facts. Petitioner filed a notice of appeal on January 24, 2008.

Before Petitioner may appeal the Court’s dispositive decision denying his petition, a certificate of appealability must issue. 28 U.S.C. § 2253(c)(1)(B); Fed. R. App. P. 22(b). The Court must either issue a certificate of appealability indicating which issues satisfy the required showing or provide reasons why such a certificate should not issue. 28 U.S.C. § 2253(c)(3); Fed. R. App. P. 22(b); *In re Certificates of Appealability*, 106 F.3d 1306, 1307 (6th Cir. 1997).

“When a habeas applicant seeks permission to initiate appellate review of the dismissal of his petition,” a federal court should “limit its examination to a threshold inquiry into the underlying merit of his claims.” *Miller-El v. Cockrell*, 123 S. Ct. 1029, 1039 (2003). A certificate of appealability may be issued “only if the applicant has made a substantial showing of the denial of

a constitutional right.” 28 U.S.C. § 2253(c)(2). The substantial showing threshold is satisfied when a petitioner demonstrates “that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDonnell*, 529 U.S. 473, 484 (2000).

After thoroughly reviewing Petitioner’s claims and the legal issues involved in this case, the Court finds that reasonable jurists would not find the Court’s assessment of Petitioner’s constitutional claims debatable or wrong. Accordingly, any appeal would be frivolous. Therefore, a certificate of appealability is DENIED, and Petitioner is ORDERED to pay the filing fee in full, or submit an affidavit of indigency and trust account statement.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: March 28, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 28, 2008.

s/Marie E. Verlinde
Case Manager
(810) 984-3290